

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 IN THE MATTER OF:) INTERIM GENERAL ORDER 2009-03
4 AMENDMENT OF LOCAL RULES)

5 The Judicial Conference of the United States has approved amendments to the Federal
6 Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Federal Rules of
7 Appellate Procedure, which address the method in which time is calculated in the federal
8 courts; and

9 The Supreme Court of the United States has adopted the rule amendments proposed
10 by the Judicial Conference and transmitted the same to Congress pursuant to the Rules
11 Enabling Act; and

12 Absent further action by Congress, the rule amendments will become effective
13 December 1, 2009; and

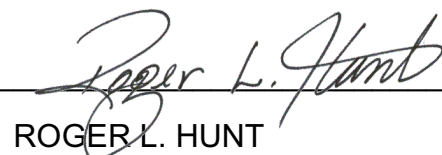
14 The Court has reviewed the Local Rules and has determined that the attached
15 amendments are necessary to conform to the changes in the federal rules and statutes;

16 Therefore,

17 **IT IS ORDERED** that the attached amendments to the Local Rules of Practice for the
18 District of Nevada are hereby adopted, and shall be effective December 1, 2009.

19 This Interim General Order shall be effective until the local rules are officially amended,
20 which includes a period for public notice and an opportunity for comment.

21
22 Dated: November 23, 2009.

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24
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26 ROGER L. HUNT

27 CHIEF UNITED STATES DISTRICT JUDGE
28

**CHANGES TO
LOCAL RULES OF PRACTICE
Of The
UNITED STATES DISTRICT COURT
For The
DISTRICT OF NEVADA
EFFECTIVE DECEMBER 1, 2009
As Amended November 30, 2009**

LR Part IA Introduction

LR IA 10-2 ADMISSION TO PRACTICE IN A PARTICULAR CASE

- (f) In criminal cases, attorneys have ~~ten (10)~~ **fourteen (14)** days after their first appearance to comply with all the provisions of this rule. In addition, the defendant(s) shall execute designation(s) of retained counsel, which shall also bear the signatures of both the attorney appearing *pro hac vice* and the associated resident attorney. Such designation(s) shall be filed and served within the same ~~ten (10)~~ **fourteen (14)** day period.
- (g) In bankruptcy cases, attorneys shall have ~~ten (10)~~ **fourteen (14)** days after their first appearance to comply with all of the provisions of this rule.

LR Part IB. United States Magistrate Judges

LR IB 3-1 REVIEW AND APPEAL - UNITED STATES MAGISTRATE JUDGE; REVIEW OF MATTERS WHICH MAY BE FINALLY DETERMINED BY MAGISTRATE JUDGE IN CIVIL AND CRIMINAL CASES - 28 U.S.C. § 636(b)(1)(A)

- (a) A district judge may reconsider any pretrial matter referred to a magistrate judge in a civil or criminal case pursuant to LR **IB** 1-3 where it has been shown that the magistrate judge's ruling is clearly erroneous or contrary to law. Any party wishing to object to the ruling of the magistrate judge on a pretrial matter shall, within ~~ten (10)~~ **fourteen (14)** days from the date of service of the magistrate judge's ruling, file and serve specific written objections to the ruling together with points and authorities in support thereof. The opposing party shall within ~~ten (10)~~ **fourteen (14)** days thereafter file and serve points and authorities opposing the objections. Points and authorities filed in support of or in opposition to the objections **are** subject to the page limits set forth in LR 7-4 or LCR 47-7.

LR IB 3-2 REVIEW OF MATTERS WHICH MAY NOT BE FINALLY DETERMINED BY A UNITED STATES MAGISTRATE JUDGE IN CIVIL AND CRIMINAL CASES, ADMINISTRATIVE PROCEEDINGS, PROBATION REVOCATION PROCEEDINGS - 28 U.S.C. § 636(b)(1)(B)

- (a) Any party wishing to object to the findings and recommendations of a magistrate judge made pursuant to LR IB 1-4, IB 1-5, IB 1-6 and IB 1-7 shall, within ~~ten (10)~~ **fourteen (14)** days from the date of service of the findings and recommendations, file and serve specific written objections together with points and authorities in support thereof. The opposing party shall within ~~ten (10)~~ **fourteen (14)** days thereafter file and serve points and authorities opposing the objections. Points and authorities filed in support of, or in opposition to, the objections are subject to the page limits set forth in LR 7-4 or LCR 47-7.

LR IB 3-3 APPEAL FROM JUDGMENTS IN MISDEMEANOR CASES - 18 U.S.C. § 3402

A defendant may appeal a judgment of conviction by a magistrate judge in a misdemeanor case to a district judge by filing a notice of appeal within ~~ten (10)~~ **fourteen (14)** days after entry of the judgment and by serving a copy of the notice upon the United States Attorney. The scope of appeal shall be the same as on an appeal from a judgment of the district court to the Court of Appeals.

Part II - Local Rules of Civil Practice

LR 5-2 FACSIMILE FILING

- (c) When a document has been transmitted by fax and filed pursuant to this rule, counsel must file the original document and accompanying proof of service with the clerk within ~~three (3)~~ **judicial seven (7)** days of the date of the fax transmission.

LR 7-2 MOTIONS

- (b) Unless otherwise ordered by the court, points and authorities in response shall be filed and served by an opposing party ~~fifteen (15)~~ **fourteen (14)** days after service of the motion.
- (c) Unless otherwise ordered by the court, reply points and authorities shall be filed and served by the moving party ~~eleven (11)~~ **seven (7)** days after service of the response.

LR 16-3 PRETRIAL ORDER, MOTIONS IN LIMINE, AND TRIAL SETTING

- (b) Unless otherwise ordered by the court, motions *in limine* are due thirty (30) days prior to trial. Oppositions shall be filed and served and the motion submitted for decision ~~fifteen (15)~~ **fourteen (14)** days thereafter.

LR 16-6 EARLY NEUTRAL EVALUATION

- (b) Motions for relief from early neutral evaluation must be filed not later than ~~ten (10)~~ **fourteen (14)** days after the appearance in the case of the moving party. A response to the motion for relief from early neutral evaluation must be filed within ~~ten (10)~~ **fourteen (14)** days after service of the original motion. No reply will be allowed. Motions filed under LR 16-6(b) are not subject to the requirements of LR 7-2. The evaluating magistrate judge shall have final authority to grant or deny any motion requesting exemption from early neutral evaluation and may exempt any case from early neutral evaluation on the judge's own motion. Such orders are not appealable.
- (e) Parties shall submit to the chambers of the evaluating magistrate judge their written evaluation statements by 4:00 p.m. ~~five (5) court~~ **seven (7)** days prior to the early neutral evaluation hearing.

LR 26-4 EXTENSION OF SCHEDULED DEADLINES

Applications to extend any date set by the discovery plan, scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be supported by a showing of good cause for the extension. All motions or stipulations to extend discovery shall be received by the court no later than ~~twenty (20)~~ **twenty-one (21)** days before the discovery cut-off date or any or any extension thereof.

LR 41-1 DISMISSAL FOR WANT OF PROSECUTION

All civil actions that have been pending in this court for more than ~~nine (9) months~~ **two hundred seventy (270)** days without any proceeding of record having been taken may, after notice, be dismissed for want of prosecution on motion of counsel or by the court.

LR 43-1 INTERPRETERS / TAKING OF TESTIMONY

A party who anticipates needing the services of an interpreter shall make arrangements therefor, at that party's expense, and file a written notice not later than ~~eleven (11)~~ **fourteen (14)** days prior to the proceeding in which the interpreter's services will be used.

LR 54-1 BILL OF COSTS

- (a) See 28 U.S.C. §§ 1920, 1921 and 1923; and Fed. R. Civ. P. 54(d). Unless otherwise ordered by the court, the prevailing party shall be entitled to reasonable costs. A prevailing party who claims such costs shall serve and file a bill of costs and disbursements on the form provided by the clerk no later than ~~ten (10)~~ **fourteen (14)** days after the date of entry of the judgment or decree.
- (c) The clerk shall tax the costs not later than ~~ten (10)~~ **fourteen (14)** days after the filing of objections or when the time within which such objections may be filed has passed.

LR 54-13 METHOD OF TAXATION OF COSTS

- (a) Any objections to a bill of costs shall be filed and served no later than ~~ten (10)~~ **fourteen (14)** days after service of the bill of costs. Such objections shall specify each item to which objection is made and the grounds therefor, and shall include, if appropriate, supporting affidavits or other material.

LR 54-14 REVIEW OF COSTS

- (a) A party may obtain review of the clerk's taxation of costs by motion to retax under Fed. R. Civ. P. 54(d), accompanied by points and authorities. Any motion to retax costs shall be filed and served within ~~five (5)~~ **seven (7)** days after receipt of the notice provided for in LR 54-13(c).

LR 66-2 NOTICE; TEMPORARY RECEIVER

A receiver shall not be appointed except after hearing, preceded by at least ~~ten (10)~~ **fourteen (14)** days' notice to the party sought to be subjected to receivership and to all known creditors, except that a temporary receiver may be appointed without notice upon adequate showing provided by Fed. R. Civ. P. 65(b).

LR 66-4 REPORTS OF RECEIVERS

- (b) Within sixty (60) days of being appointed, a permanent receiver shall file a verified report and account of the receiver's administration which shall be heard upon ~~ten (10)~~ **fourteen (14)** days notice to all parties and known creditors of the party subject to receivership.

LR 66-5 NOTICE OF HEARINGS

Unless the court otherwise orders, the receiver shall give all interested parties and creditors at least ~~ten (10)~~ **fourteen (14)** days notice of the time and place of hearings of...

LR 67-2 INVESTMENT OF FUNDS ON DEPOSIT

- (d) The clerk shall take all reasonable steps to deposit funds into interest bearing accounts or instruments within, but not more than, ~~fifteen (15)~~ **fourteen (14)** days after having been served with a copy of the order for such investment.
- (e) Any party who obtains an order directing investment of funds by the clerk shall, within ~~fifteen (15)~~ **fourteen (14)** days after service of the order on the clerk, verify that the funds have been invested as ordered.
- (h) Service of notice by counsel as required by LCR 46-8(g) shall be made as provided in LCR 46-8(c) not later than ~~fifteen (15)~~ **fourteen (14)** days prior to maturity of the timed instrument.

LR 79-1 FILES AND EXHIBITS: CUSTODY AND WITHDRAWAL

- (d) Where no appeal is taken, after final judgment has been entered and the time for filing a notice of appeal and motion for a new trial has passed, or upon the filing of a stipulation waiving the right to appeal and to a new trial, any party may upon ~~twenty (20)~~ **twenty-one (21)** days prior written notice to all parties withdraw any exhibit originally produced by it unless some other party or person files prior notice with the clerk of a claim to the exhibit.
- (e) If exhibits are not withdrawn within ~~twenty (20)~~ **twenty-one (21)** days after notice by the clerk to the parties to claim the same, the clerk shall, upon order of the court, destroy or make such other disposition of the exhibits as the court may direct.

Part IV - Local Rules of Criminal Practice

LCR 10-1 WRITTEN WAIVER OF DEFENDANT'S APPEARANCE AT ARRAIGNMENT

- (a) at least at least ~~three (3) court~~ **seven (7)** days prior to the date set for arraignment the defendant and defense counsel sign and submit to the court a written waiver that contains the following:

LCR 12-1 TIME FOR FILING MOTIONS, RESPONSES AND REPLIES

- (a)(2) responses to such motions shall be filed and served within ~~eleven (11)~~ **fourteen (14)** calendar days from the date of service of the motion; and
- (c) a reply brief may be filed and served within ~~three (3)~~ **seven (7)** calendar days from the date of service of the response. The reply brief shall only address arguments made in response to the motion.

LCR 16-1 DISCOVERY

- (a)(2) In all cases designated as complex, the parties shall, not later than ~~five (5)~~ **seven (7)** days following such designation, confer to develop a Proposed Complex Case Schedule, addressing the following:
- (a)(3) The parties shall file the Proposed Complex Case Schedule no later than ~~five (5)~~ **seven (7)** days after conferring under Section 16-1(a)(2).
- (b)(1)(ii) The parties shall confer promptly to discuss the scope, timing, and method of the disclosures required under Section 16-1(b)(1)(i) and any additional disclosures upon which the parties agree. The parties shall file a Joint Discovery Agreement within ~~five (5)~~ **seven (7)** days after arraignment, except upon leave of Court.
- (b)(1)(iv)(C) The government shall make the disclosures required by federal statute, rule, or the United States Constitution available within ~~five (5)~~ **seven (7)** calendar days of filing the Joint Discovery Statement;
- (b)(2)(I) In cases in which the parties have not entered into a Joint Discovery Agreement, the government shall file a Disclosure Statement. In such cases, within ~~five (5)~~ **seven (7)** calendar days of arraignment, the parties shall confer regarding the timing, scope, and method of the disclosures and reciprocal disclosures required by federal statute, rule, or the United States Constitution, and any additional disclosures which will be made by the government.
- (b)(2)(ii) Within ~~five (5)~~ **seven (7)** days of the conference, but in no event more than ~~ten (10) calendar~~ **fourteen (14)** days after the date of arraignment, the government shall file its Disclosure Statement, which shall include the following information:

LCR 32-2 DISCLOSURE OF PRESENTENCE INVESTIGATION REPORTS, SUPERVISION RECORDS OF THE UNITED STATES PROBATION OFFICE, AND TESTIMONY OF THE PROBATION OFFICER

- (c)(2) The written application shall be provided to the determining official at least ~~fifteen (15)~~ **fourteen (14)** days in advance of the time the production of records is required. Failure to meet this requirement shall constitute a sufficient basis for denial of the request.
- (c)(3) The determining official may waive the ~~fifteen (15)~~ **fourteen (14)** day requirement upon a showing of a good faith attempt to comply with this rule.

LCR 35-1 MOTIONS AND RESPONSES PURSUANT TO FED. R. CRIM. P. 35

When a defendant files a motion for modification of sentence pursuant to Fed. R. Crim. 35, the defendant shall serve the same upon the United States, and the United States shall be required to file and serve a response within ~~twenty (20) calendar~~ **twenty-one (21)** days thereafter. In regard to such motions, reference is also made to LSR 4-1.

LCR 46-8 INVESTMENT OF FUNDS ON DEPOSIT

- (d) The clerk shall take all reasonable steps to deposit funds into interest bearing accounts or instruments within, but not more than, ~~fifteen (15)~~ **fourteen (14)** days after having been served with a copy of the order for such investment.
- (e) Any party who obtains an order directing investment of funds by the clerk shall, within ~~fifteen (15)~~ **fourteen (14)** days after service of the order on the clerk, verify that the funds have been invested as ordered.
- (h) Service of notice by counsel as required by LCR 46-8(g) shall be made as provided in LCR 46-8(c) not later than ~~fifteen (15)~~ **fourteen (14)** days prior to maturity of the timed instrument.

LCR 55-1 FILES AND EXHIBITS -CUSTODY AND WITHDRAWAL

- (d) Where no appeal is taken, after final judgment has been entered and the time for filing a notice of appeal and motion for a new trial has passed, or upon the filing of a stipulation waiving the right to appeal and to a new trial, any party may upon ~~twenty (20)~~ **twenty-one (21)** days' prior written notice to all parties withdraw any exhibit originally produced by it unless some other party or person files prior notice with the clerk of a claim to the exhibit. If such a notice of claim is filed the clerk shall not deliver the exhibit except with the written consent of both the party who produced it and the claimant or until the court has determined the person entitled thereto.
- (e) If exhibits are not withdrawn within ~~twenty (20)~~ **twenty-one (21)** days after notice by the clerk to the parties to claim the same the clerk shall, upon order of the court, destroy or make other disposition as the court may direct of any such exhibits.

Part V Local Rules of Special Proceedings and Appeals

LSR 5-1(b)(3) DEATH PENALTY CASE; CAPTION; FACSIMILE FILING

When a document has been transmitted by fax and filed pursuant to this rule, counsel must file the original document and accompanying proof of service with the clerk within ~~three (3)~~ **seven (7)** ~~judicial~~ days of the date of the fax transmission.